IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 562 (SS) 2005.

1. Gunder Singh S/o Sri Kripal Singh,
   Resident of Budhani, Post Nishani,
   District: Pauri Garhwal.
2. Meharban Singh S/o Sri Amer Singh,
   Resident of Budhani, Post Nishani,
   District: Pauri Garhwal.
3. Ram Singh S/o Sri Chhawan Singh,
   Resident of Milai, Post Chippal Ghat,
   District: Pauri Garhwal. .....Petitioners

Versus

1. State of U.P., through Secretary,
   Public Works Department, Dehradun,
2. Chief Engineer, Public Works Department,
   Dehradun.
3. Executive Engineer Construction Division,
   P.W.D., (Prantiya Khand), Pauri Garhwal,
   District Pauri Garhwal.
4. State of U.P. through Chief Engineer,
   Public Works Department, Lucknow. ....Respondents.

Sri Nandan Arya, learned counsel for the petitioner,
Sri N.P. Shah, learned Standing Counsel for State of Uttaranchal/respondent nos. 1 to 3.
Smt. Beena Pandey, learned Standing Counsel for State of U.P./ respondent no.4,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Nandan Arya, learned counsel for the petitioner, Sri N.P. Shah, learned Standing Counsel for State of Uttaranchal/respondent nos. 1 to 3 and Smt. Beena Pandey, learned Standing Counsel for State of U.P./respondent no.4.

By means of this writ petition, the petitioners have prayed for the following reliefs:-

i) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to release the pension of the petitioners.

ii) Issue a writ, order of direction in the nature of mandamus commanding/directing the respondents to give arrear of pension with 12% interest from the dated of their retirement.

iii) Issue any suitable writ, order or direction, as this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioners,

iv) Award the writ petition with cost.

The facts of the case, in brief, are that the petitioners were appointed with the respondents' Department on Daily Wage basis, however their services were regularised in the Department w.e.f. 18.08.1995, 01.08.1999 and 01.11.1999 respectively. It is further submitted that the petitioners have been retired from their service after attaining the age of superannuation on 30.4.2000, 31.03.2000 and 31.10.2000 respectively. Thus, from the facts as narrated by the petitioners in the writ petition itself, none of petitioners has completed 10 years service after being regularised in the Department, which in mandatory for grant of pension, as such, the petitioners are not entitled for pension as per the Pension Rules.

The petition is devoid of merit, hence is dismissed accordingly. No order as to costs.

(M.M. Ghildiyal, J.)

December 2, 2006:
NCM: